IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18568 OF 2005

Dated : August 22, 2005

Between:

Gadiraju Krishnam Raju and two others

Petitioners

AND

The District Collector,

Machilipatnam, Krishna District and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18568 OF 2005

ORAL ORDER:

Aggrieved of the action of the respondents in trying to dispossess the

petitioners from the petition schedule lands, the present writ petition is filed.

It is submitted that the first petitioner is in possession of an extent of Ac.0.57 cents in RS No. 445/1, Ac.0.46 cents in RS No. 445-2, Ac.0.40 cents in RS No. 445/3, Ac.0.44 cents in RS No. 445/4, Ac.0.39 cents in RS No. 445/5, Ac.0.44 cents in RS No. 445/6, Ac.0.43 cents in RS No. 445/7, Ac.0.40 cents in RS. No. 445/8, Ac.0.41 cents in RS No.445/9, Ac.0.42 cents in RS No.445/10 and the second petitioner is in possession of Ac.2.05 cents in RS No. 327/1, Ac.0.03 cents in RS No. 327/2, Ac. 0.42 cents in RS No.444/1A, Ac.0.50 cents in RS No. 444/1B, Ac.0.46 cents in RS No. 444/1C, Ac.0.22½ cents in RS No.444/1B, Ac.0.72 cents in RS No. 444/3, Ac.0.53 cents in RS No.444/4 and Ac.0.52 cents in RS No. 444/5 while the third petitioner is in possession of Ac.0.32 cents in RS No. 448/3A, Ac.0.62 cents in RS No. 448/3B, Ac. 0.35 cents in RS No.449/1A, Ac.1.33 cents in RS No. 449/1B, Ac. 0.66 cents in RS No. 450/1, Ac.0.41 cents in RS No.450/1, Ac.0.41 cents in RS No. 450/2, Ac.0.20½ cents in RS No. 448/2, Ac.0.65 cents in RS No. 448/4B, Ac.1.00 cents in RS No. 440/3, Ac.0.46 cents in RS No.440/1, Ac.0.40 cents in RS No. 440/3, Ac.0.20 cents in RS No. 443/2 and Ac.1.00 cents in RS No. 441/4, situated at Chigurukota village, Mudinepally Mandal, Krishna District. It is submitted that the first and 2nd petitioners who are father and son have purchased the properties under registered documents and the respondents have issued pattedar passbooks in their favour, while the third petitioner obtained the lands by way of gift deed from his brother and brother's wife and the lands are not assigned lands. While so, without issuing any notice, the officials of the respondents visited the lands and threatened them of dispossession. Therefore, the petitioners came up with this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The issue involved in this writ petition is no more *res integra* in view of

the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them from their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to dispossess the petitioners, as averred in the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 22, 2005

MAS.